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July 11, 2008

Brian T. Moto, Esq.
Jane E. Lovell, Esq.
Department of the Corporation Counsel
County of Maui
200 South High Street
Wailuku, Maui, HI 96793

Re: Docket No. 2008-0115 – In Re. Molokai Public Utilities, Inc. ("MPU"), Wai'ola O Moloka'i, Inc. ("Wai'ola"), and MOSCO, Inc. ("MOSCO") (collectively, "Utilities") for Temporary Rate Relief

Dear Mr. Moto and Ms. Lovell:

This letter concerns the County of Maui's "Request for Issuance of Subpoenae and Subpoenae Duces Tecum," filed on July 9, 2008 ("Request"), requesting that the Public Utilities Commission ("Commission") issue subpoenas to compel the attendance of witnesses at the Commission's public hearing on July 15, 2008, and that the Commission issue subpoena duces tecum to compel the production of documents by those witnesses at the July 15, 2008 public hearing. Specifically, the County requests that subpoenas issue to compel the attendance of the following individuals identified as officers and directors of the Utilities in filings with the Department of Commerce and Consumer Affairs ("DCCA"): Dennis Ikeda; Peter Nicholas; Daniel Orodener; John Sabas; and Roy Sugiyama (collectively, "Witnesses"). According to the County, "the witness testimony and documents sought may either rebut or corroborate the claims of [the Utilities] that the Utilities are financially unable to continue to operate without the proposed rate increases past August 31, 2008" and "[t]he requested subpoenae duces tecum are necessary because despite less formal requests for the same from this Commission and from COUNTY OF MAUI, to date, the Utilities have failed to produce the necessary documents and information."

While the Commission agrees that the Witnesses and documents sought to be compelled by the County generally may be relevant to the issues raised in this docket, the Commission will not issue subpoenas to compel the attendance of the Witnesses at the July 15, 2008 public hearing. The purpose of the public hearing is to allow the public the opportunity to comment on the issues raised in this docket. The public hearing was never intended to be a vehicle for the questioning of party representatives by other parties to the docket. In addition, as a procedural matter, the Request, which was filed four working days before the hearing, does not afford the Witnesses reasonable notice to gather the requisite documents and appear at the public hearing.

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Furthermore, the Commission notes that it has already directed that representatives from the Parties, including the Utilities and MPL, be present at the public hearing to provide a statement to those in attendance, if desired, and to hear the public comments on the subject matter of the docket. In addition, in a letter dated July 3, 2008, the Commission directed Daniel Orodener, who is identified in DCCA filings as an officer of the three Utilities, to appear at the public hearing and in other Commission proceedings as a representative of the Utilities. The Commission has been notified that the Utilities have already or intend in the near future to, remove Mr. Orodener and others as officers and directors of the Utilities, leaving Peter Nicholas, as the only remaining officer or director. Given the timing, unless Mr. Nicholas appears at the public hearing, Mr. Orodener will be expected to represent the Utilities at the July 15 public hearing.

Accordingly, for the foregoing reasons, the Commission declines to grant the Request. The Commission, however, understood from Mr. Orodener's representations at the status conference that the Utilities would be making their records available to the Commission and the other parties, including the County. The Commission has not received any notice from the Utilities regarding the availability of the records. Accordingly, the Commission will entertain a request, should the County wish to do so, for another subpoena for documents to be produced after the July 15 public hearing.

Sincerely,



Carlito P. Caliboso
Chairman



John E. Cole
Commissioner



Leslie H. Kondo
Commissioner

c. P.A. Nicholas
Daniel Orodener
Catherine Awakuni